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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,556	03/05/2001	Radik Ismagilov		4086

7590 10/07/2004
Radik Ismagilov
4200 Artesia Blvd. #43
Torrance, CA 90504

EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,556

Applicant(s)

ISMAGILOV, RADIK

Examiner

Michael W. Hoyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Notes

1. The preliminary amendment document filed on 2/14/04 is considered non-compliant because it failed to meet the requirements of 37 CFR 1.121, according the Office communication mailed on 08/23/2004. Due to the failure to comply with 37 CFR 1.121 with in ONE MONTH from the mail date, as stated in the Office communication, the preliminary amendment was not entered and examination on the merits has commenced without consideration of the proposed changes in the preliminary amendments(s).

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claimed, “interactive systems comprising one of a TV set with a cable box, a TV set with a satellite dish network, Wireless, Pro/Wireless, PDAs, handhelds, or pocket PCs,” is described in the Abstract and in the Title of the invention, but not in the Detailed Description of the Invention section of the Specification. The Specification should be amended to include a description of this claim language. However, no new subject matter should be added to the application.

Claim Objections

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3. Claim 1 is objected to because of the following informalities: the claim should begin with the number "1". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed subject matter related to, "Wireless or Pro/Wireless, PDAs, handhelds, and pocket PCs," is not disclosed and described in the specification. The Examiner is uncertain as to what the terms, "Wireless or Pro/Wireless," are referring to and how they are used in the invention, as well as the claimed, "PDAs, handhelds and pocket PCs."

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively

specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim must be in one sentence form only. Note the format of the claims in the patents cited.

Regarding claim 1, the phrase “interactive systems (TV set with cable box or satellite dish network, Wireless or Pro/Wireless, PDAs, handhelds, pocket PCs)” renders the claim indefinite because it is unclear whether one of or more than one of the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The Examiner suggests the following language for claim 1:

1. A system for facilitating an order-delivery service via interactive systems comprising:
at least one of a TV set and cable box, or a TV set and satellite dish network box;
a menu for allowing customers to access a restaurant to order and receive a fast delivery;
and a remote control device for the one of the TV set and cable box, or the TV set and satellite dish network box.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Wilcox et al. (USPN 6,678,891), cited by the Examiner.

As to claim 1, note the Wilcox et al. reference which discloses the claimed system for facilitating an order-delivery service via interactive systems (see Abstract). The claimed order-delivery service comprising: at least one of a TV set and cable box, or a TV set and a satellite dish network is met by set-top box or client terminal 9 and TV 11 (see Figs. 1 and 2, and col. 14, lines 24-37), that allows potential customers to access menus of restaurants, and allows a user to order and receive a fast delivery (see Figures 26-59 – related to ordering a pizza, also see Figs. 60-72). The claimed using a remote control device is met by viewer input device 13, which may be a wireless remote (see Figs. 1-2 and col. 11, lines 52-61). The claimed using the remote control device for the one of the TV set and the cable box, or the TV set and satellite dish network box is met by TV set 11 and client terminal or cable box 9 (see Figs. 1 and 2, col. 10, lines 25-34; col. 11, lines 51-61 and col. 14, lines 24-67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cupps et al (USPN 5,991,739) – Discloses an Internet online order method and apparatus.

Kageyama (USPN 6,760,770) – Discloses a portable information system for receiving information via a communication network.

Stautner et al (USPN 6,172,677) – Discloses an integrated content guide for interactive selection of content and services on personal computer systems with multiple

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sources and multiple media presentation. The reference also discloses that an order for a pizza may be placed using the disclosed system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Arlington, Virginia 22202

Or faxed to: (703) 872-9306

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye
October 1, 2004



JOHN MILLER
PATENT EXAMINER
BIOLOGY CENTER 2600